

June 16, 2011

FILED VIA ECFS



Marlene Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

RE: Docket 07-42

Dear Ms. Dortch:

Based on recent conversations with Commission staff and independent programmers, MAP believes it would be useful to address the question of whether the Commission should expand coverage of the program carriage rules to include cable operators' relationships with other vertically integrated programmers.

MAP is of the view that any Further Notice of Proposed Rulemaking with respect to program carriage obligations should explore the fundamental changes in the ownership of programming and content over the last 20 years. For example, because of the so-called Financial Interest and Syndication Rules which were in effect as of 1992, broadcast networks were not owned by motion picture studios. Moreover, it has become much more common for sports teams to be owned by cable operators and various other program vendors. With these and other changes in mind, MAP would suggest that the following questions might be included in a Further Notice of Proposed Rulemaking:

1. How has the marketplace changed since the Commission adopted the program carriage rules in 1993?
2. What is the impact of any such changes in the marketplace?
3. Do MVPDs now make investments in programming and other content that were not common when the 1992 Cable Act was enacted. Do they establish relationships with sports teams or programmers which do not involve ownership, but which create affiliations that might induce them to favor certain programming?
3. Should the Commission broaden the definition of "affiliated" in Section 76.1300 to reflect changes in the marketplace, particularly the fact that video program vendors and MVPDs may have elaborate contractual relationships based on carriage of many commonly owned channels which affect the rights of other, independent, video program vendors?
4. Should Section 76.1301(c) be interpreted or revised with respect to an MVPD's affiliation with a programming vendor that is not a programming network so that it clearly addresses MVPD discrimination against an independent programmer that seeks to distribute its own sports, movie or other programming?

MAP will be happy to discuss these suggestions with any member of the staff seeking additional information.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew Jay Schwartzman".

Andrew Jay Schwartzman
Senior Vice President and Policy Director

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